

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JON CASCELLA,  
  
Plaintiff,

No. 4:21-CV-01490  
  
(Chief Judge Brann)

v.

UNITED STATES OF AMERICA,  
  
Defendant.

**ORDER**

**AND NOW**, this 9<sup>th</sup> day of February 2024, in accordance with the accompanying Memorandum, **IT IS HEREBY ORDERED** that:

1. Defendant's motion (Doc. 140) for summary judgment pursuant to Federal Rule of Civil Procedure 56 is **GRANTED** in part as to the FTCA negligence claim regarding application of ambulatory restraints on March 12, 2020.
2. The Clerk of Court is directed to enter judgment in Defendant's favor and against Plaintiff Jon Cascella as to Cascella's FTCA negligence claim regarding application of ambulatory restraints on March 12, 2020.
3. Cascella's FTCA claims alleging negligence by Dr. Christine Schmidt based on the February 4, 2020 pencil incident and the February 18, 2020 removal from suicide watch are **DISMISSED** for lack of subject matter jurisdiction as more fully set forth in the accompanying memorandum.
4. Cascella's FTCA claim alleging negligence related to being given a syringe on February 18, 2020, (*see* Doc. 1 ¶ 5(b)), is **DEEMED WITHDRAWN** as further specified in the accompanying memorandum.

5. The Clerk of Court is further directed to CLOSE this case.

BY THE COURT:

*s/ Matthew W. Brann*

Matthew W. Brann

Chief United States District Judge